

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN ROBERT C. CLARK**, on February 11, 1999  
at 8:00 A.M., in Room 312 - 1 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Robert C. Clark, Chairman (R)  
Rep. Dan McGee, Vice Chairman (R)  
Rep. Diana Wyatt, Vice Chairman (D)  
Rep. Shiell Anderson (R)  
Rep. Paul Clark (D)  
Rep. Aubyn A. Curtiss (R)  
Rep. Bill Eggers (D)  
Rep. Tom Facey (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Joan Hurdle (D)  
Rep. Rick Jore (R)  
Rep. Sam Kitzenberg (R)  
Rep. Brad Molnar (R)  
Rep. Mark Noennig (R)  
Rep. Jim Shockley (R)  
Rep. Loren Soft (R)  
Rep. Carol Williams (D)  
Rep. Cindy Younkin (R)

**Members Excused:** Rep. Chris Ahner (R)

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Pam Schindler, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 65, HB 459, 2/12/1999; HB  
127, 426 and 213-tabled,  
2/12/1999

Executive Action: HB 127, 426 and 213-Tabled

**HEARING ON HB 65**

**Sponsor:**

Senator Shea presented HB 65.

**{Tape : 1; Side : A; Approx. Time Counter : 30 - 67}**

**EXHIBIT (juh34a0**

1)

**EXHIBIT (juh34a0**

2)

**Proponents:**

Joe Mazurek, Attorney General

**{Tape : 1; Side : A; Approx. Time Counter : 67 - 123}**

Bob McCarthy, Silver Bow County Attorney

**{Tape : 1; Side : A; Approx. Time Counter : 123 - 175}**

Bill Bullock, self

**{Tape : 1; Side : A; Approx. Time Counter : 175 - 232}**

Lance Melton, School Boards Association

**{Tape : 1; Side : A; Approx. Time Counter : 232 - 296}**

**EXHIBIT (juh34a0**

3)

Linda Carlson, Stevensville Sup't of Schools

**{Tape : 1; Side : A; Approx. Time Counter : 296 - 395}**

Spencer Sartorius, Office of Public Instruction

**{Tape : 1; Side : A; Approx. Time Counter : 395 - 421}**

Kate Stetzer, Butte Sup't of Schools

**{Tape : 1; Side : A; Approx. Time Counter : 421 - 550}**

**{Tape : 1; Side : B; Approx. Time Counter : 0 - 9}**

**EXHIBIT (juh34a0**

4)

Don Moline, MEA/MFT

**{Tape : 1; Side : B; Approx. Time Counter : 9 - 14}**

Kathy Kendall, Montana Board of Crime Control

**{Tape : 1; Side : B; Approx. Time Counter : 14 - 17}**

Troy McGee, Helena Chief of Police

**{Tape : 1; Side : B; Approx. Time Counter : 17 - 24}**

Bob Anderson, Montana Sheriffs and Peace Officers Association

**{Tape : 1; Side : B; Approx. Time Counter : 24 - 31}**

Allan Horsfal, Board of Crime Control

**{Tape : 1; Side : B; Approx. Time Counter : 31 - 53}**

Sandy Oitzinger, Montana Juvenile Probation Officers Association

*{Tape : 1; Side : B; Approx. Time Counter : 53 - 55}*

Bruce Messinger, Helena Sup't of Schools

*{Tape : 1; Side : B; Approx. Time Counter : 55 - 84}*

Opponents:

Brian Judy, NRA

*{Tape : 1; Side : B; Approx. Time Counter : 84 - 204}*

**EXHIBIT** (juh34a0

5)

Gary Marbut, Montana Shooting Club Association

*{Tape : 1; Side : B; Approx. Time Counter : 204 - 341}*

Bud Elwell, Montana Firearms Collectors

*{Tape : 1; Side : B; Approx. Time Counter : 341 - 373}*

Informational Testimony:

None

Questions from Committee Members and Responses:

*{Tape : 1; Side : B; Approx. Time Counter : 373 - 550}*

*{Tape : 2; Side : A; Approx. Time Counter : 0 - 550}*

*{Tape : 2; Side : B; Approx. Time Counter : 0 - 476}*

Closing by Sponsor:

Senator Shea made closing statements.

*{Tape : 2; Side : B; Approx. Time Counter : 476 - 550}*

*{Tape : 3; Side : A; Approx. Time Counter : 0 - 22}*

**EXHIBIT** (juh34a06) juh34a05

**EXHIBIT** (juh34a0

7)

HEARING ON HB 59

Sponsor:

Rep. R. Clark presented HB 459.

*{Tape : 3; Side : A; Approx. Time Counter : 22 - 70}*

**EXHIBIT** (juh34a08)

Proponents:

Gary Marbut, Montana Shooting Sports Association

*{Tape : 3; Side : A; Approx. Time Counter : 70 - 238}*

**EXHIBIT(juh34a09)**

Brian Judy, NRA

{Tape : 3; Side : A; Approx. Time Counter : 238 - 352}

Opponents:

None

Informational Testimony:

Jim Smith, Montana Sheriffs Association

{Tape : 3; Side : A; Approx. Time Counter : 352 - 370}

Questions from Committee Members and Responses:

{Tape : 3; Side : A; Approx. Time Counter : 370 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 16}

Closing by Sponsor:

Rep. R. Clark made closing statements.

{Tape : 3; Side : B; Approx. Time Counter : 16 - 110}

EXECUTIVE ACTION ON SB 213

Motion: REP. MCGEE moved that SB 213 DO PASS.

Motion: REP. MCGEE moved that SB 213-BE AMENDED; THEN WITHDREW HIS AMENDMENT MOTION.

Motion/Vote: REP. YOUNKIN moved that SB 213-GROSFIELD AMENDMENT BE AMENDED. Motion carried 15-4 with Gallus, Gutsche, Williams, and Wyatt voting no.

(Rep. Ahner excused; ill)

Motion: REP. MCGEE moved that SB 213 DO PASS AS AMENDED.

Motion/Vote: REP. NOENNIG moved that SB 213 BE AMENDED, MCGEE MOVED A SUBSTITUTE AMENDMENT. Motion carried 10-9.

Motion/Vote: REP. Anderson moved that SB 213 BE TABLED. Motion carried 13-6 with R. Clark, Curtiss, McGee, Shockley, Soft, and Younkin voting no.

(Rep. Ahner excused; ill)

{Tape : 3; Side : B; Approx. Time Counter : 110 - 478}

EXECUTIVE ACTION ON HB 127

Motion: REP. SHOCKLEY moved HB 127-DO NOT PASS.

**EXHIBIT(juh34a1**

0)

**Motion/Vote:** REP. EGGERS moved that SB 213 BE TABLED. Motion carried 11-8.

(this was a voice/hand vote)

(Rep. Ahner excused; ill)

***{Tape : 4; Side : A; Approx. Time Counter : 0 - 118}***

**EXECUTIVE ACTION ON HB 426**

**Motion:** REP. JORE moved that HB 426 DO PASS.

**EXHIBIT**(juh34a1

1)

**Motion/Vote:** REP. JORE moved that HB 426 BE AMENDED. Motion carried 14-5.

**Motion:** REP. JORE moved that HB 426 DO PASS AS AMENDED.

**Motion/Vote:** REP. WYATT moved that HB 426 BE TABLED. Motion carried 10-9 with Anderson, R. Clark, Curtiss, Jore, Kitzenberg, McGee, Molnar, Shockley, and Younkin voting no.

(Rep. Ahner excused; ill)

***{Tape : 4; Side : A; Approx. Time Counter : 118 - 550}***

Meeting adjourned.

**ADJOURNMENT**

Adjournment: 12:07 P.M.

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REP. ROBERT C. CLARK, Chairman

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PAM SCHINDLER, Secretary

RC/PS

**EXHIBIT** (juh34aad)